

Exhibit 1



Sep 17 2012
10:51PM

Law Offices of

MILLER, AXLINE & SAWYER

A Professional Corporation

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TRACEY L. O'REILLY
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DANIEL BOONE
JUSTIN MASSEY
BRIAN D. SHANNON
DONALD MOONEY, of Counsel

September 17, 2012

VIA LNFS

To All Counsel in the *City of Fresno* matter

Re: *City of Fresno v. Chevron U.S.A., Inc., et al.*
No. 1:04-cv-04973-SAS (MDL 1358)
Station Matrix, Well Files, and MTBE Sampling Reports

Dear Counsel:

Pursuant to the discussion with Judge Scheindlin at the August 16, 2012, Status Conference, attached please find the City of Fresno's Station Matrix.

My letter to All Counsel dated July 29, 2012, advised that additional well files requested by Chevron from the City were available for purchase from Valley Document Solutions. These are the same files that Special Master Warner's Pre-Trial Order #75 subsequently required the City to produce.

In response to another request by Chevron, the City is updating its production of MTBE sampling reports through the end of August 2012. If you wish to order a copy, please contact Cameron Moors at Valley Document Solutions, by e-mail at cameron@virtualvds.com or by telephone at (559) 442-3522.

Very truly yours,

Evan Eickmeyer

Enclosure



Oct 05 2012
08:01PM

Law Offices of
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DONALD MOONEY, of Counsel

October 5, 2012

VIA LNFS

Whitney Jones Roy, Esq.
Sheppard Mullin
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071-1422

Re: *City of Fresno v. Chevron U.S.A., Inc., et al.*
No. 1:04-cv-04973-SAS (MDL 1358)
Station Matrix

Dear Whitney:

In response to your letter dated September 29, 2012, and letters from Tesoro's and Arco's counsel, attached please find the City of Fresno's Revised Station Matrix (10/5/12).

As to Section I (stations for which the City is asserting claims), the introductory language has been revised to state that the City is only asserting claims for the following stations against the defendant(s) identified for each station.

As to Section II (stations for which the City's expert did not identify further work), we agree that these stations can be dismissed from the case with prejudice. Please send "a short proposed order for [our] approval" as proposed in your letter.

As to Section III (stations for which the City's expert lacked sufficient data to formulate an opinion), these stations should be dismissed from the case *without* prejudice for the reasons stated by Judge Scheindlin at the August 16, 2012, Status Conference. (*See* R.T., at pp. 30:6-14 ["That is an injury that hasn't occurred yet. That would be without prejudice.], 32:7-20 "They can't be dismissed with prejudice, because he is saying whatever happens in the future, it hasn't happened yet."].)

The discussion concluded:

THE COURT: At this time if there is no opinion, I can see that they
shouldn't be dismissed with prejudice.

Whitney Jones Roy, Esq.

October 5, 2012

Page 2

MR. PARKER: Your Honor, that's fine for now.

(R.T., at p. 33:18-20.)

The Station Matrix is based on information that is also in the possession of each defendant. The letter from Arco's counsel brought to light that as to Beacon #537, 798 West Gettysburg, Clovis, Valero was inadvertently omitted from the Station Matrix and is being added due to its ownership of the Beacon brand.

Accordingly, the City's Revised Station Matrix (Revised 10/5/12) is being served herewith.

Very truly yours,

A handwritten signature in cursive script that reads "Evan Eickmeyer".

Evan Eickmeyer

Enclosure

cc: All Counsel (via LNFS)

Oct 05 2012
08:01PM**CITY OF FRESNO'S STATION MATRIX (REVISED 10/5/12)**

I. The City is only asserting claims for the following stations against the defendant(s) identified for each station:

Station Name and Address	Defendant(s)
M & S Texaco, 2619 S. East Avenue	Kern Oil, Lyondell, Shell
Tosco #30587, 1610 N. Palm	Chevron, Coastal, ConocoPhillips, Kern Oil, Lyondell
7-Eleven #19198, 1596 N. Palm Avenue	Citgo
Valley Gas, 2139 South Elm Street	Arco, Duke, Kern Oil, Tesoro, Valero
Chevron #9-4374, 1160 Fresno Street	Chevron, Coastal, Kern Oil, Lyondell
Shell (1212), 1212 Fresno Street	Kern Oil, Lyondell, Shell
Unocal #6353, 1418 E. Shaw	Chevron, Coastal, ConocoPhillips, Kern Oil, Lyondell
U&A Gas & Food Mart, 2929 N. Blackstone	Tesoro
Ratcliff Gas, 2145 Blackstone Avenue	Arco
Beacon #537, 798 West Gettysburg, Clovis	Arco, Valero
Gilbert's Exxon, 4142 East Church	Coastal, Exxon, Lyondell
Van Ness Auto, 2740 North Van Ness	Chevron, Coastal, Duke, Kern Oil, Lyondell
Smith Tank Lines (Former Carey Oil), 30 E. Divisadero Street	Duke, Kern Oil, Valero
Red Triangle, 2809 South Chestnut Avenue	Coastal, Duke, Exxon, Kern Oil, Lyondell, Nella, New West, Tesoro, Valero
Chevron #9-9093, 3996 N. Parkway Drive	Chevron, Coastal, Kern Oil, Lyondell
Tosco #39118, 1605 N. Cedar	Chevron, Coastal, ConocoPhillips, Kern Oil, Lyondell
Beacon #3519, 4591 E. Belmont Avenue	Arco, Duke, Kern Oil, Valero

Beacon-Arco #615, 1625 Chestnut Avenue	Arco, Duke, Kern Oil, Valero
Exxon Service Station, 4594 East Tulare Street	Arco, Coastal, Duke, Exxon, Kern Oil, Lyondell, Valero
7-Eleven #13917, 3645 Olive Avenue	Citgo

II. The City's expert did not identify further work for the following stations:

Station Name and Address
Tosco Circle K #8374, 247 E. Olive Avenue
Former Unocal, 794 W. Shaw, Clovis
Arco #610, 4192 North Fresno Street
Gas 4 Less, 3076 East Gettysburg
Classic Car Wash, 5785 N. First
Beacon Fifth Wheel Truck Stop, 3767 South Golden State
Cor-O-Lite Block, Inc., 4569 East Florence Avenue
J&C Food & Gas, 2394 South Elm Avenue

III. The City's expert lacked sufficient data to formulate an opinion as to the following stations:

Station Name and Address
Family Express Food & Liquor, 4205 E. Butler Avenue
G&K Mini Mart, 4090 South Chestnut
Whirlwind Car Wash, 225 North H Street
Unocal, 101 N. Roosevelt
Dave's Exxon, 1703 W. Olive
Shell, 1014 E. Bullard

Texaco, 5756 N. 1st Street
Quality Food n Gas, 4602 E. Church
7-Eleven #16970, 2397 S. Chestnut
Silvas Currie Bros., 3217 E. Lorena
Herndon 76, 7010 N. West Avenue



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DONALD MOONEY, of Counsel

March 6, 2013

VIA LNFS

James R. Wedeking, Esq.
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005

Re: *City of Fresno v. Chevron U.S.A., Inc., et al.*
No. 1:04-cv-04973-SAS (MDL 1358)
**Plaintiff City of Fresno's Further Meet-and-Confer re Duke Defendants'
Proposed Motion for Summary Judgment**

Dear Mr. Wedeking:

This letter responds to your email of February 15, 2013. Your email asks that the City withdraw its claims against Duke with respect to two stations: the Red Triangle station at 2809 South Chestnut and the Valley Gas station at 2139 South Elm Street. The City declines to do so.

Your email acknowledges that Duke sold MTBE gasoline to InterCity Petroleum Products, dba Red Triangle, during the relevant time period. In fact, Duke acknowledges that there were some 290 sales of gasoline to Red Triangle in 2000-2002. In addition, Duke sold "neat" MTBE to Valero, which also supplied gasoline to these stations.

At the meet and confer session you noted that Red Triangle had seven stations and there was therefore only a one-in-seven chance that any particular load would have been delivered to the Red Triangle at 2809 Chestnut. This fails to account for the fact that there were 290 sales during the time period. The odds that at least some of these loads of Duke gasoline were delivered to the Red Triangle at 2809 Chestnut are certainly high enough to warrant submitting the issue to a reasonable jury.

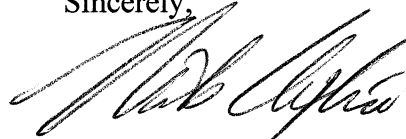
Your email asserts with respect to the Valley Gas station at 2139 South Elm Street that none of the owners of that station identified Duke as a supplier to the station and asked us to provide any evidence we have that Total Energy, the jobber used by Duke to supply Duke's gas to stations in Fresno, delivered to the Valley Gas station. Several witnesses testified that Total Energy delivered gasoline to the Valley Gas station. Imiatz Ahmad Depo., at 25:3-6; Shirley McMurphy Ahmad Depo., at 16:19-17:8.

James R. Wedeking, Esq.
March 6, 2013
Page 2

We believe the above evidence, while not an exhaustive recitation of what the City would rely on to opposed summary judgment, is more than adequate to defeat a motion for summary adjudication at these stations, and trust that you will not put the Court or the City through the exercise of a summary judgment motion with respect to these stations.

As you know, the City has considered your arguments with respect to other stations and agreed to dismiss claims against Duke at a number of those stations. The City will oppose any motion, however, with respect to the two stations identified in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Axline", written over a horizontal line.

Michael Axline
Counsel for City of Fresno

cc: All Counsel (via LNFS)